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Attorneys for Individual and Representative Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ERIC HALVORSON, LAURA FERRER,  
PETER DALLMAN, ROBERT GRANA,  
DENNIS BULCAO, and NEIL YOUNG,  
individually and as representatives of the  
classes,

Plaintiffs,

v.

TALENTBIN, INC.,

Defendant.

Case No.:3:15-cv-05166-JCS

**DECLARATION OF E.  
MICHELLE DRAKE**

Date: July 14, 2017

Time: 9:30 AM

Location: Courtroom G, 15th Floor

Judge: Hon. Joseph C. Spero

Case No.:3:15-cv-05166-JCS

1 I, E. Michelle Drake, hereby declare as follows:

2 1. I am one of Plaintiffs' attorneys in the above-referenced matter.

3 2. I submit this Declaration in support of Plaintiffs' Unopposed Motion for  
4 Attorneys' Fees, Costs, and Class Representative Service Payments.

5 3. Prior to settlement being reached in this matter, the parties exchanged  
6 written discovery including interrogatories and productions of documents by each side.  
7 Each of the six Plaintiffs responded to interrogatories and requests for production of  
8 documents.

9 4. Plaintiffs processed, analyzed and reviewed Defendant's responses and  
10 document productions, including hundreds of pages of documents and more than three  
11 thousand candidate profiles which were produced as confirmatory discovery to allow  
12 Plaintiffs to develop certain portions of the injunctive relief.

13 5. Plaintiffs retained one expert to assist in analyzing the production of  
14 candidate profiles.

15 6. Throughout discovery, the parties engaged in numerous meet and confers  
16 via correspondence and telephone calls.

17 7. On August 9, 2016, after a full day of vigorous, arms-length negotiations  
18 with third party neutral, Hon. Edward Infante, the parties reached an agreement as to the  
19 material terms of a settlement, which were reduced to a terms sheet at the conclusion of  
20 mediation. During the mediation, Defendant provided Plaintiffs with additional data and  
21 information about the putative class, which enabled Plaintiffs to analyze potential  
22 damages.

23 8. During mediation, the parties did not negotiate any terms relating to the  
24 amount of the attorneys' fees for Plaintiffs' Counsel or of the service awards for the  
25 Named Plaintiffs until after all other material terms were agreed upon.

26 9. Following mediation, the parties engaged in subsequent negotiations to  
27 reach and execute the full Settlement Agreement.

28 10. Attached hereto as **Exhibit A** is a true and correct copy of Berger &

1 Montague, P.C.'s fees and costs entries in this matter. They have been redacted for  
2 privilege. To date, Berger & Montague has incurred \$14,901.87 in out-of-pocket  
3 expenses and \$199,599.55 in lodestar.

4 11. Attached hereto as **Exhibit B** is a true and correct copy of Nichols Kaster,  
5 PLLP's fees and costs entries in this matter. They have been redacted for privilege. To  
6 date, Nichols Kaster has incurred \$6,888.89 in out-of-pocket expenses and \$33,401.50 in  
7 lodestar.

8 12. Attached hereto as **Exhibit C** is a true and correct copy of Gottlieb &  
9 Associates' fees entries in this matter. They have been redacted for privilege. To date,  
10 Gottlieb & Associates has incurred \$344.00 in costs and \$23,590.00 in lodestar.

11 13. In aggregate, Plaintiffs' counsel has incurred \$22,134.76 in out-of-pocket  
12 expenses and \$256,591.05 in lodestar.

13 14. To date, there have been five opt-outs and zero objections to the settlement.

14 15. Plaintiffs' counsel, with the approval of Defendant's counsel conducted a  
15 competitive bidding process for settlement administration services.

16 16. Plaintiffs' counsel solicited and received bids from four settlement  
17 administrators. The bids were evaluated for (a) overall costs, and (b) technology and  
18 capabilities to maximize the reach of the notice and claims rate among members of the  
19 Class. Through this process, Plaintiffs' counsel selected Angeion Group and requested  
20 that the Court appoint Angeion Group as the settlement administrator. The Court granted  
21 that request in the Preliminary Approval Order. (ECF No. 63, ¶ 6).

22 17. Angeion Group reasonably expects to incur \$53,450 by the end of the  
23 settlement administration process. This amount is in line with the industry.

24 18. To date, 9,501 claims have been received, which is a claims rate of  
25 approximately 13%. These claims are still in the process of being verified, so this number  
26 may change prior to final approval.

1 The foregoing statement is made under penalty of perjury and is true and correct to the  
2 best of my knowledge and belief.

3 Date: March 9, 2017

/s/E. Michelle Drake

E. Michelle Drake